

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SEAN O'NEAL,

Defendant.

4:18-CR-3022

MEMORANDUM AND ORDER

This matter is before the Court on correspondence from the defendant that the Court has filed as a motion to reduce sentence ([filing 104](#)). The Court will deny the defendant's motion, for two reasons.

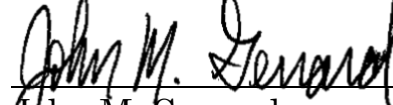
First, the only available vehicle for the Court to modify a term of imprisonment is [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#), which provides that a defendant may move for reduction of his term of imprisonment based upon "extraordinary and compelling reasons"—after exhausting his administrative remedies. And nothing in the defendant's present motion indicates that his current request has been presented to the warden of his institution. *See id.*

But more importantly, the Court has already recently considered and rejected the defendant's argument for compassionate release. [Filing 103](#). And for the reasons stated in that order—particularly, the Court's consideration of the [18 U.S.C. § 3553\(a\)](#) factors—the Court finds that the defendant's release from imprisonment is unwarranted. Accordingly,

IT IS ORDERED that the defendant's motion to reduce sentence ([filing 104](#)) is denied.

Dated this 19th day of October, 2020.

BY THE COURT:



John M. Gerrard

Chief United States District Judge